

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|--------------------|---|-------------------|
| SCOTT KOUNOVSKY, |) | 8:09CV258 |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | MEMORANDUM |
| |) | AND ORDER |
| DOUGLAS COUNTY |) | |
| CORRECTION CENTER, |) | |
| |) | |
| Defendant. |) | |

This matter is before the court on its own motion. On September 9, 2009, the court entered a Memorandum and Order directing Plaintiff to file an amended complaint no later than October 9, 2009, in order to state a claim upon which relief may be granted against Defendant. (Filing No. [8](#).) The court warned Plaintiff that failure to file an amended complaint by that deadline would result in the dismissal of this matter without further notice. ([Id.](#)) Plaintiff has not filed an amended complaint or any other response to the court's September 9, 2009, Memorandum and Order.

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice because Plaintiff failed to prosecute this matter diligently and failed to comply with this court's orders.
2. A separate judgment will be entered in accordance with this Memorandum and Order.

October 15, 2009.

BY THE COURT:

Richard G. Kopf
United States District Judge